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MATTHEW GATREL

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

MATTHEW GATREL

Defendant..

Case No. CR 19-36-JAK

MATTHEW GATREL'S PROPOSED VOIR DIRE QUESTIONS

Defendant Matthew Gatrell, through his counsel of record, Deputy Federal Public
Defenders Craig A. Harbaugh and Adam Olin, hereby submits his proposed voir

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1 dire questions and preamble he respectfully asks the Court to incorporate in the Court's
2 voir dire of the potential jurors.

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4 Respectfully submitted,

5 CUAUHTEMOC ORTEGA
6 Federal Public Defender

7 DATED: August 5, 2021

By /s/ Craig A. Harbaugh

8 CRAIG A. HARBAUGH
9 ADAM OLIN
Deputy Federal Public Defenders

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1 **DEFENSE'S PROPOSED VOIR DIRE QUESTIONS AND PREAMBLE**

2 **I. PREAMBLE**

3 The defense requests that the following be read to the jurors:

4 This has been, and still is, a challenging year. We have all been impacted by the
5 coronavirus in very hard and painful ways. We are all juggling work, family, and other
6 burdens and responsibilities. And we know that after more than a year of living with
7 this virus, people are tired and still perhaps scared.
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10 While we have all been trying to survive these last 17 months, jury trials have been
11 suspended. Jury trials are fundamental to our justice system. It is a right that every one
12 of us has under the U.S. Constitution. And we can't have juries without people like
13 you. People who represent a cross section of our diverse district, and who can make
14 sure that everyone's rights are protected. So, it is essential to our system that we
15 resume criminal jury trials. That is why we are especially grateful for your service,
16 presence, and sacrifice during this difficult and unprecedented time.
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18 **I. PROPOSED VOIR DIRE QUESTIONS**

19 **Covid/Pandemic**

20 1. Would you hold it against Mr. Gatrell that you are required to be in a
21 public courtroom during a pandemic?

22 **Burden of Proof/Presumption of Innocence/General**

23 2. Do you think that because Mr. Gatrell is here charged with an offense that
24 he must have done something wrong?
25 3. Do you think that the defense has to introduce any evidence in order for
26 you to find him not guilty?
27 4. Do you think that Mr. Gatrell should have to prove that he did not commit
28 the crime?

- 1 5. Do you think that an innocent person is more likely to testify in his own
- 2 behalf?
- 3 6. Have you, or a family member, or close friend been arrested or convicted
- 4 of a crime?
 - 5 a. If so, did that experience effect the way you view law enforcement, and
 - 6 how?
 - 7 b. If so, did that experience effect the way you view the justice system,
 - 8 and how?

Prior Computer Experience

- 10 7. Does anyone have knowledge, education or experience in the field of
- 11 information technology or computers?
 - 12 a. If so, please explain
- 13 8. Has anyone ever served in the following roles: Network Administrator?
- 14 Systems Administrator? Information Technology Manager?
 - 15 a. If so, please explain what role you served and what your duties were
 - 16 b. Even if you have never held any of those specific titles, has anyone
 - 17 ever worked on network/systems administration or in an IT department
 - 18 or role?
 - 19 c. If so, please explain what role you served and what your duties were.
- 20 9. For everyone who identified as having a background with computers,
- 21 would anyone find it difficult to put aside their prior knowledge and
- 22 experience in deciding this case?

Prior Victim of Computer Hacking

- 24 10. Have you or a close family, or a business that you worked for ever been
- 25 the victim of a computer hack?
 - 26 a. If so, please explain the nature of the hack that you experienced.
 - 27 b. If so, is there anything about that experience that affects you today?
- 28 11. Have you, a close friend or family member, or a business for which you

1 have worked ever had your internet service attacked through a distributed
2 denial of service, which is when a flood of internet traffic overwhelms the
3 network resulting in the internet connection being lost or possibly a
4 website temporarily going offline?

5 a. If so, please explain the nature of the hack that you experienced.
6 b. If so, is there anything about that experience that might affect your
7 ability to be fair in this case?

8 12. Have you, or a close friend or family member ever been a victim of
9 personal data breach, identity theft, or ransomware?
10 a. If so, please explain what happened.
11 b. If so, is there anything about that experience that might affect your
12 ability to be fair in this case?

13 13. You will hear evidence that Mr. Gatrell operated a web stressor service,
14 which functions by directing web traffic to a particular internet connection.
15 Does anyone have any prior knowledge or experience with a web stressor
16 service?
17 a. If so, please explain

18 14. Has anyone ever had their internet service or that of close friend or family
19 member, or a business for which they worked, ever been impacted by a
20 web stressor service?
21 a. If so, please explain.
22 b. If so, is there anything about that experience that might affect you
23 today?

24 15. Does anyone believe that the only reason for using a web stressor service
25 is to illegally attack other computers?

26 16. Does anyone believe that the merely operating a web stressor service
27 automatically means Mr. Gatrell must have committed a crime?

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Law Enforcement Background

17. Have you, or a close friend or family member ever worked in law enforcement?
 - a. If so, please explain
 - b. If so, does your prior law enforcement experience or relationship with that person cause you to be more inclined to believe a law enforcement witness?
18. Have you ever worked for a local, state, or the federal government?

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: August 5, 2021

By /s/ *Craig A. Harbaugh*

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